

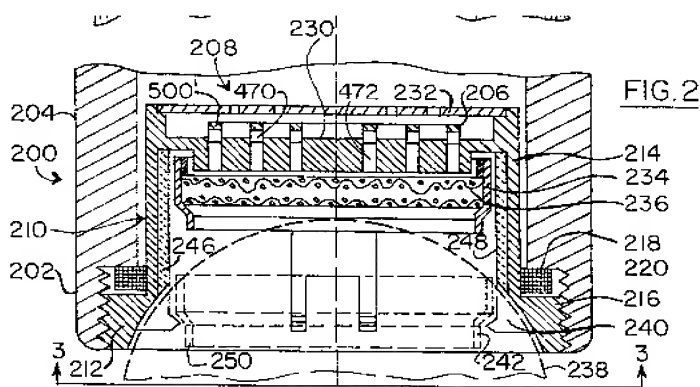
I. Aghnides and Griffin Each Do Not Disclose or Suggest the Claimed Intermediate Holder (6)

Claims 15 and 41 require that:

the insertion cartridge (5) ... is held in a single fixed position therein by a hollow, cylindrical sleeve-shaped intermediate holder (6), at least a predominant portion of a longitudinal extension of the insertion cartridge is received within the fitting outlet (4).

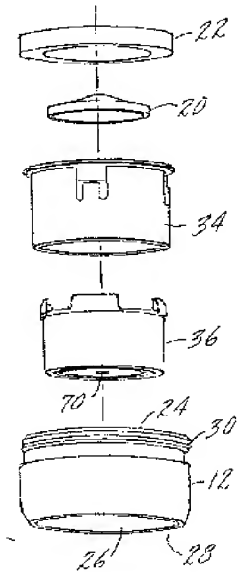
Instead of employing an intermediate holder (6) to hold an insertion cartridge (5) as required by claims 15 and 41, Aghnides provides threads on the insertion cartridge itself and Griffin employs an outer housing with threads.

Specifically, referring now to FIG. 2 of Aghnides (reproduced below), concealed aerator 208 includes threads on tubular length 212 that engage with corresponding threads of spout 200. Thus, in Aghnides there is no need for the claimed intermediate holder (6) because the aerator 208 includes threads for holding the aerator 208 within the spout 200.



Aghnides, however, requires the manufacture of different insertion cartridges to accommodate different outflow armatures for various manufacturers. In contrast, the claimed intermediate holder (6) effectively acts as an adapter allowing any suitable cartridge to be used, which reduces costs by allowing for bulk purchases of cartridges that can be used in different armatures of different manufacturers.

In contrast to Aghnides use of a concealed aerator, Griffin discloses an exposed aerator that is held outside of the spout using an external housing. Specifically, referring now to FIG. 2 of Griffin (reproduced on the right), aerator 10 includes an elastomeric ring 22, screen 20, upper throttle member 34, lower throttle member 36 and outer housing 12. Aerator 10 is held in place by engaging threads 30 of outer housing 12 with corresponding threads of a faucet spout. By employing outer housing 12, Griffin does not require the claimed intermediate holder (6). The use of the exposed cartridge of Griffin has many disadvantages, including the high expense of jointly grinding, polishing and chroming or painting of the outer housing and the faucet.



Because Aghnides employs threads on the cartridge itself to hold the cartridge in the faucet and Griffin requires an outer housing to hold the cartridge in the faucet, even if one skilled in the art were motivated to combine Aghnides and Griffin, the combination would not disclose or suggest the insertion cartridge (5) is ***held in a single fixed position therein by a hollow, cylindrical sleeve-shaped intermediate holder (6).***

II. One Skilled in the Art Would Not Have Interpreted Aghnides and Griffin in the Same Manner as the Office Action

It appears that the rejection of claims 15 and 41 is based on an interpretation of Aghnides and Griffin that would not have been reached by one skilled in the art. The rejection cites element 214 of Aghnides as disclosing the claimed insertion cartridge (5). Aghnides discloses that element 214 is a second

tubular length of the concealed aerator 208.<sup>1</sup> One of ordinary skill in the art would not have interpreted a portion of an aerator as an insertion cartridge. Instead, one skilled in the art would have interpreted the entire aerator as an insertion cartridge.

Similarly, the rejection interprets upper throttle member 34 of Griffin as the claimed intermediate holder (6). As clearly illustrated in FIG. 2 of Griffin (reproduced above), upper throttle member 34 is part of the aerator 10 and is not a separate element. Thus, one skilled in the art would at best interpret upper throttle member 34 as a component of the claimed insertion cartridge (5) and not as the claimed intermediate holder (6).

Because upper throttle member 34 is a component of an aerator, one skilled in the art would not have enclosed the entire aerator of Aghnides with the upper throttle member 34 of Griffin.

III. One Skilled in the Art Would Not Have Combined Aghnides and Griffin for the Reasons Set Forth in the Office Action

The Office Action concludes that one skilled in the art would have been motivated to incorporate upper throttle member 34 of Griffin into the aerator of Aghnides “to enclose aerator elements”. However, it is not clear why enclosing the aerator elements would provide some type of advantage that would have motivated one skilled in the art to have combined Aghnides and Griffin in the manner described in the Office Action. Absent some type of asserted advantage, it appears that Aghnides and Griffin are being combined for the sole reason to reject Applicants’ claims, which is clearly improper.

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<sup>1</sup> See, for example, column 5, lines 53-58.

IV. The Combination of Aghnides and Griffin Would Not Result in a Device with the Claimed Intermediate Holder (6)

Even if one skilled in the art were motivated to combine Aghnides and Griffin, the combination would not result in the claimed invention. Specifically, the upper throttle member 34 of Griffin is disclosed as being part of an aerator that allows for adjustment of the flow by rotating the lower throttle member 36. Thus, if one skilled in the art incorporated the upper throttle member 34 of Griffin into the concealed aerator of Aghnides, the resultant combination would be a concealed, adjustable aerator with threads on the outside of the aerator, such as on the outside of upper throttle member 34. Such an arrangement would still just involve an aerator that engages itself into the faucet and would not require the claimed intermediate holder.

Alternatively, upper throttle member 34 of Griffin is used to enclose the aerator of Aghnides and threads are not used on the outside of the upper throttle member, then the resultant device would require outer housing 12 in order to attach the aerator to the faucet housing. This combination would not result in a substantially concealed aerator, and accordingly would not involve “at least a predominant portion of a longitudinal extension of the insertion cartridge [*being*] received within the fitting outlet (4)” as required by claims 15 and 41.

V. Conclusion

For at least those reasons set forth above, the rejection of claims 15 and 41 should be withdrawn and the application passed to allowance. Claims 16 and 18-40 are allowable at least by virtue of their dependency from claim 15.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 105433.62118US).

Respectfully submitted,

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